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## **Australia**

# **Food and Agricultural Import Regulations and Standards**

## **Country Report**

## **2001**

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### **Report Highlights:**

**The Australia New Zealand Food Authority recently reviewed and rewrote the Australian and New Zealand food laws to bring them into line in a Joint Australia New Zealand Food Standards Code. A phase in period of two years will end in December 2002. This report refers ONLY to the new joint Code.**

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Includes PSD changes: No  
Includes Trade Matrix: No  
Annual Report  
Canberra [AS1], AS

**AUSTRALIA: FOOD IMPORT REGULATIONS AND STANDARDS****Last Updated: July 2001****Section(s) Last Updated: ALL**

**DISCLAIMER:** This report has been prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Canberra, Australia for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. **FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

Please contact this office if you have any comments, corrections or suggestions about the material contained in this report. Our e-mail address is: [AgCanberra@fas.usda.gov](mailto:AgCanberra@fas.usda.gov).

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## INTRODUCTION

The Australia New Zealand Food Authority recently reviewed and rewrote the Australian and New Zealand food laws to bring them into line in a Joint Australia New Zealand Food Standards Code. The joint Code was adopted on 24 November 2000. A phase in period of two years will end in December 2002. Until that time, the current food regulations in Australia and New Zealand will operate in parallel with the joint Code, so that foods may comply with either the old or the new regulations (but not a combination of these). After the phase-in period the old regulations will be repealed leaving the joint Code to stand alone. All foods must then comply with the provisions of the joint Australia New Zealand Food Standards Code.

***This report refers ONLY to the new joint Code.*** Those companies still wishing to use the old code until it expires, should see our previous FAIRS Report (AS0023).

Although Australia is a major producer of raw materials and processed foods, it still imports a considerable volume of food and beverages. While locally based producers provide about 93 percent of domestic consumption, imports have continued to increase steadily over recent years. There are a number of reasons for this:

- the changing population mix in a multicultural society whereby people desire foods from home
- the variety of quality, low cost foods increasingly becoming available in world markets from developing countries
- the inability of domestic food producers to satisfy local demand
- Australian consumer tastes are changing - people are prepared to experiment with new foods and cuisines.

Many imported foods do not compete with domestic products either because Australia doesn't produce or process such foods or local production is insufficient to meet demand (e.g. pineapple, champignon, tea, coffee, cocoa, spices and coconut).

The total value of processed food and beverage imports for the 12 months ending June 2000 amounted to A\$4.6 billion. Australia's trade in food products is dominated by processed food products. The most significant increase in processed food and beverage imports was in the bakery products sector which increased by 16.7 percent. The largest contributors to total processed food and beverage imports were beverages and malt (21.8 percent), other miscellaneous foods (18.6 percent), seafood (17.6 percent), fruit and vegetables (16.9 percent) and processed oil and fat (6.4 percent).

All foods sold in Australia must comply with a range of laws designed to protect public health and safety and to assist consumers. These laws apply equally to imported and locally produced foods. The following information deals with both public health and quarantine (i.e. animal and plant health) requirements for foods exported to Australia.

When any food is imported into Australia it must first comply with quarantine and imported food requirements and then with food safety requirements. Quarantine requirements are the first barriers that must be cleared.

Information on various sectors of the Australian market are available from the [FAS Attache Reports](#) site on the Internet. Conduct an commodity search (option 1) for the following report subjects to obtain the latest available reports:

- Retail Sector Report
- Food Processing Ingredients Sector Report
- Hotel, Restaurant & Institutional (HRI) Sector Report
- Organic Products Report
- Kosher Foods Report
- Exporter Guide

## **SECTION I: FOOD LAWS**

The Australia New Zealand food standards development system is a cooperative arrangement between the Commonwealth of Australia and New Zealand and the Australian States and Territories to develop and implement uniform food standards. The system for the development of joint Australia New Zealand food standards was established under a treaty between Australia and New Zealand signed in December 1995. Within Australia, the system is based upon a 1991 Commonwealth, State and Territory Agreement in relation to the adoption of uniform food standards.

The system is implemented by food legislation in each State and Territory of Australia and in New Zealand, and by the Australia New Zealand Food Authority Act 1991 (the ANZFA Act) of the Commonwealth of Australia. The ANZFA Act establishes the mechanisms for the development of joint food standards and creates the Australia New Zealand Food Authority as the agency responsible for the development and maintenance of a joint Australia New Zealand Food Standards Code.

Although food standards are developed by ANZFA, responsibility for enforcing and policing food standards rests with the States and Territories in Australia and the New Zealand government in New Zealand. Health officers in the Australian States and Territories are responsible for enforcing the Food Standards Code. However, the Authority coordinates food surveillance in Australia and will liaise with the Ministry of Health in New Zealand on arrangements for imported foods. The Authority is concerned to ensure uniform interpretation, risk-based surveillance and enforcement of the Code by all levels of government in relation to locally produced and imported foods.

On 24 November 2000, Health Ministers in the Australia New Zealand Food Standards Council (ANZFSC) agreed to adopt the new Australian New Zealand Food Standards Code. The new Code was gazetted on 20 December 2000 in both Australia and New Zealand as an alternate to existing food regulations until December 2002 when it will become the sole food code for both countries. It aims to reduce the prescription of existing food regulations in both countries and lead to greater industry innovation, competition and trade.

Until December 2002, food imported into Australia other than from New Zealand must comply solely with Volume 1 (known as Australian Food Standards Code) or Volume 2 (known as the joint Australia New Zealand Food Standards Code) of the Australian Food Standards Code, but not a combination of the two.

Food standards are published in the Food Standards Code once they are approved. The Food Standards Code has the same standing as the U.S. Code of Federal Regulations.

The Code applies to all packaged food which is sold in Australia and New Zealand, which includes retail and wholesale food given away in competitions and food provided as part of a tour or entertainment.

Standards or variations to standards developed by the Authority are recommended for adoption to a council of health ministers known as the Australia New Zealand Food Standards Council. This Council is the food standards decision-making body. Standards adopted by the Council are published in the Commonwealth of Australia Gazette and the New Zealand Gazette. The standards published in the gazettes are adopted by reference and without amendment into the food laws of the Australian States and Territories and of New Zealand.

Food standards have the force of law. It is criminal offence to supply food which does not comply with relevant food standards. They are enforced by State and Territory governments.

The most recent version of the Food Standards Code is available at the following site:

<http://www.anzfa.gov.au/foodstandards/>

### **Australia New Zealand Food Authority (ANZFA)**

The Australia New Zealand Food Authority is a statutory authority operating under the Australia New Zealand Food Authority Act 1991. The Act provides a focus for cooperation between governments, industry and the community to establish and maintain uniform food regulation in Australia and New Zealand.

Australian standards are harmonized by an inter-government agreement between the Commonwealth of Australia and the States and Territories. Under this agreement, the States and Territories adopt, without variation, food standards which have been recommended by the ANZFA Board and approved by the Australia New Zealand Food Standards Council (ANZFSC) which is the Ministerial Council representing all jurisdictions.

Australian and New Zealand standards are harmonized via a Treaty agreement. The Treaty establishes a system for the development of joint Food Standards in both countries. The joint standards setting arrangements reduce compliance costs for industry and assist in removing regulatory barriers to trade between the two countries. The Treaty began operating on July 1, 1996.

When it develops food standards or amendments to food standards, the Authority makes decisions by considering them against the objectives set out in the Act. These are:

- protecting public health and safety;
- providing adequate information to enable consumers to make informed choices and to prevent fraud and deception;
- promoting fair trading in food;
- promoting trade and commerce; and,
- promoting consistency between domestic and international standards where these are at variance.

Food standards can be varied through a process which starts either by receipt of an application or by preparation of a proposal. Manufacturers wanting to introduce a new food, make a food using a new process or use a new additive, should first check to see whether the Code already has suitable standards. Where it doesn't, they can ask the Authority to develop a new standard or vary an existing one. ANZFA prepares a Work Plan for developing food standards which operates on a financial year (July-June) basis.

Applications received by ANZFA and proposals raised by ANZFA will be assessed and classed in the annual work plan as follows:

1. Those involving a high public health and safety element.
2. Those involving a high degree of protection against misleading and deceptive conduct or providing critical information for consumer choice.
3. Those involving low protection against misleading and deceptive conduct or providing less critical information for consumer choice, in order of first come/first served.

Utilizing the above, applications are then placed into one of three groups and listed in the Work Plan:

- Group 1      Priority matters having high health/safety elements and/or high consumer interest;
- Group 2      All other remaining matters where no fee is paid;
- Group 3      Applications for which a fee has been paid and which will be managed separately to those in Groups 1 and 2. The Authority's resources will not be expended in progressing these applications, as external resources will be sought.
- MRLs:        Maximum residue level applications are listed separately as they are not subject to the same procedural and resourcing requirements.

All applications and proposals will be categorized according to complexity to assist in scheduling and setting fees:

Category	Average time to complete (hours)	Charge (A\$)
1. Very Simple	25	A\$2,800
2. Simple	125	A\$14,000
3. Average	300	A\$33,600
4. Complex	500	A\$56,000
5. Highly Complex	750	A\$84,000



Charges will not be imposed unless applications are progressed under Group 3. Applications in this group are either identified as having an Exclusive Commercial Capturable Benefit or those whose applicants have asked for priority action in the Work Plan (having been placed initially in Group 2). Pending a formal Australia tax office ruling, GST will be payable on all applications, including those from overseas.

If you wish to apply for the development of a new standard or variation of an existing standard, an application form can be obtained from:

Standards Liaison Officer  
Australia New Zealand Food Authority  
P.O. Box 7186  
Canberra Mail Centre ACT 2610  
Australia  
Tel: +61-2-6271 2222  
Fax: +61-2-6271 2278  
E-mail: [info@anzfa.gov.au](mailto:info@anzfa.gov.au)  
Web Site: <http://www.anzfa.gov.au>

In Australia, ANZFA also:

- Coordinates surveillance of food available in Australia;
- Coordinates food product recalls in cooperation with the States and Territories;
- Conducts research on matters that may be included in a food standard;
- Undertakes food safety education initiatives in cooperation with the States and Territories;
- Develops Codes of Practice for industry on any matter that may be included in a food standard;
- Develops risk assessment policies for foods imported into Australia.

ANZFA can be contacted at the following address:

Australia New Zealand Food Authority  
P.O. Box 7186  
Canberra Mail Centre, ACT 2610  
Australia  
Tel: +61-2-6271-2222  
Fax: +61-2-6271-2278  
E-mail: [info@anzfa.gov.au](mailto:info@anzfa.gov.au)  
Web Site: <http://www.anzfa.gov.au>

## **Accessing the Australian Market**

All foods sold in Australia must comply with a range of laws designed to protect public health and safety and to assist consumers. These laws apply equally to imported and locally produced foods. The following information deals with both public health and quarantine (i.e. animal & plant health) requirements for foods exported to Australia. The requirements for each are quite different but the Import Clearance of foods is the responsibility of Australian Quarantine and Inspection Service (AQIS) and is coordinated under the Import Clearance Program.

All incoming shipments of food must be declared to the Australian Customs Service using the international harmonized tariff schedules. AQIS has a direct link to the Customs computer network and is able to place impediments on foods which require clearance.

Importers of targeted foods are obliged to go to AQIS to secure the release of the goods. With risk category foods, the criterion for the release of goods is based on the compliance history of the producer whether or not the food needs to be inspected.

AQIS maintains its own computer network linking inspectors in all States. The system holds records of the inspection status of all overseas suppliers of risk foods and through the network, inspection staff can be notified as to whether or not an inspection for a particular shipment is required.

While the focus of the Imported Food Program is on food safety, imported foods must comply with all requirements of the Australia New Zealand Food Standards Code. It is the legal responsibility of the importer to ensure they do so. U.S. exporters should not assume that because their products are accepted in other markets (e.g. European Union, Japan) that they will be automatically accepted in Australia. Often the Australian standards differ in such areas as the description of the product; its composition; the use of preservatives, if any preservatives are permitted (and what residual levels may remain); what colorings are permitted and at what levels.

AQIS inspectors check the food against the requirements of the Food Standards Code (FSC). Inspectors examine all referred foods for labeling compliance and a visual inspection of the food. The visual inspection involves, where necessary, opening the packages and examining the food for contamination and the package for defects that may impact on food safety.

Inspectors will ensure that the label:

- is in English
- has an accurate trade description
- has manufacturer/importer details
- has the Country of Origin declared
- has batch/lot codes
- has date marking (in the correct format)
- has net weight - contents
- has statement of ingredients (where appropriate)

AQIS has introduced a managed process whereby importers will be given the opportunity to

check labeling for compliance with the requirements of the Food Standards Code and, where necessary, to make corrections to the labeling, prior to arranging an Imported Food Program (IFP) inspection. Before undertaking any examination of their food for IFP purposes, importers must ensure that the consignment has cleared quarantine.

Rather than reject foods for import entry, AQIS will allow corrective action to be taken for significant breaches and minor defects will generally be cleared on an undertaking from the importer that the problem will be fixed. However, repeated failures could result in a Holding Order being issued against the offending supplier.

At the time of the inspection, the AQIS officer may take samples for laboratory analysis to determine the food's microbiological status, levels of any pesticide residues, the correct use of additives and the food's composition.

It is the importer's responsibility to ensure that the foods they import comply with the requirements of the FSC. The requirements of the FSC can be complex and if US exporters are not sure if their foods will comply, check with your importer and have them seek legal advice or ask a consultant food technologist.

Having a food assessed prior to importation reduces the risk of any unnecessary delays and any additional expense if food is found not to comply after arrival in Australia.

Where U.S. exporters are in any doubt about what quarantine prohibitions or restrictions may apply to foods that they are interested in exporting to Australia, they are encouraged to contact AQIS prior to shipment.

Imported Food Inspection Program  
Australian Quarantine & Inspection Service  
Tel: +61-2-6272-3097  
Fax: +61-2-6272-3682  
E-mail: [foodimp@aqis.gov.au](mailto:foodimp@aqis.gov.au)

#### Imported Food Inspection Program (IFIP)

The Imported Food Inspection Program is an AQIS program to ensure that all food imported into Australia is inspected against Australia New Zealand Food Standards Code thus meeting the same hygiene, health and labeling requirements as Australian produced goods. Since the proclamation of the Imported Food Control Act 1992 in June 1993, all food imported into Australia is liable to be subjected to inspection or inspection and analysis under the Imported Food Inspection Program (IFIP).

Although AQIS has operational responsibility for this program, the [Australia New Zealand Food Authority \(ANZFA\)](#) is responsible for developing food risk assessment policy. The standards which are applied to imported food are principally those found in the Australia New Zealand Food Standards Code.

Under the Imported Food Program (IFP), foods are classified according to the potential risk to human health based on the nature of the food and historical inspection data. The three inspection categories are:

1. Risk categorized food;
2. Active surveillance category
3. Random surveillance category

AQIS does not check foods selected for inspection for absolute compliance with all the provisions. AQIS's principal focus is on food safety and labeling although some additional checks may be carried out if something is noticed on a label that is of concern.

#### 1. Risk category foods

Foods which have been risk categorized by the ANZFA are those foods which are deemed to represent the highest potential risk to human health. All consignments of risk categorized food lodged with Customs are referred to the IFP, with the intensity of inspection dependent on the compliance history of overseas producers (manufacturers) of the food. Producers whose food products consistently comply with Australian requirements will be inspected at a less intensive rate than those with a poor compliance rate. All producers will have their foods inspected at the initial rate of 100 percent of consignments. Usually after five consecutive consignments have passed inspection, the foods are inspected at a less intense rate of one in four consignments on a random basis. Twenty passes must be achieved before the rate reduces to one in 20 on a random basis, providing imports continue at a steady rate.

While specific commodities may be specified below, AQIS may inspect and analyze other foods which it has reason to believe may not comply with the requirements of the Food Standards Code.

Examples of risk categorized foods are:

- Canned Tomatoes and tomato products in soldered cans - tested for lead
- Cheese - soft or surface ripened cheeses - presence of *Listeria monocytogenes*.
- Cinnamon - presence of *Salmonella* spp.
- Cooked Crustaceans - microbiological tests for Standard Plate Count, *Salmonella*, *Escherichia coli*, *Staphylococcal enterotoxin*
- Cooked Chicken meat and Cooked Chicken meat products - microbiological tests for Standard Plate Count, *Salmonella*, *Escherichia coli*, coagulase positive *Staphylococcus* and *Listeria monocytogenes*
- Dried (desiccated) Coconut - presence of *Salmonella* spp.
- Fish (species *Rexea solandri*, shark, tuna, dogfish, smoked or smoke flavored fish)
- Marinara Mix - microbiological tests for Standard Plate Count, *Salmonella*, *Escherichia*

- col and paralytic shellfish poison and domoic acid.
- Molluscs (eaten without further cooking) - microbiological tests for Standard Plate Count, *Vibrio cholerae*, *Escherichia coli* and paralytic shellfish poison and domoic acid.
- Mushrooms canned - tested for can integrity, commercial sterility, pressure test and *Staphylococcal enterotoxin*.
- Paprika - presence of *Salmonella* spp.
- Peanuts levels of aflatoxin.
- Pepper - presence of *Salmonella* spp.
- Cooked pig meat and pig meat products including cooked cured pig meat products microbiological tests for Standard Plate Count, *Salmonella*, *Escherichia coli*, coagulase positive *Staphylococcus*.

## 2. Active surveillance category foods

Foods in the active surveillance category are seen as posing some concerns but requiring further information before a decision on whether or not to classify them as risk is made. Ten percent of shipments of designated active surveillance foods, from every supplying country, are referred for inspection.

These foods may be released after the inspection and sampling has taken place if the samples are taken and sent to the Australian Government Analytical Laboratories (AGAL) by an Inspector. Under these circumstances it is not necessary for the Importer to hold the foods under security pending the outcome of the laboratory tests.

If the Importer chooses to have the analyses undertaken at an AQIS appointed laboratory, and not AGAL, the Inspector will take and seal the samples and will advise of the release of the food once the laboratory advises AQIS that the samples have been received intact. Whenever this latter option is used the Inspector will check to ensure that the approved laboratory is approved to carry out the particular tests required on the foods before approving the arrangement.

Some examples of foods under active surveillance include:

- Berry fruits - for pesticides
- Confectionery products - for lead contamination
- Guar gum - for *Salmonella*
- Preserved fruits - for artificial sweeteners
- Psyllium - for pesticides and lead contamination
- Seafood and seafood containing products ready for consumption and not presently included in the 'risk' list - microbiological tests for coliforms and Standard Plate Count.

### 3. Random surveillance category

All other foods not in the risk or active surveillance categories are random surveillance category foods. Foods in this category are referred to AQIS by Customs at the rate of 5 percent of all shipments for inspection. There is an extensive list of foods under this category, which is currently under review by AQIS.

### Holding Orders

Holding orders are applied to foods inspected under the active and random surveillance categories. Where a shipment of food in these categories has failed an Australian food standard on inspection or analysis, a Holding Order is applied to that kind of food from the manufacturer and country identified. Future consignments from the offending supplier will be held for inspection or analysis. AQIS arranges with Customs to have the current referral rate (10 percent for Active or 5 percent for Random) of the food increased to 100 percent while the Holding Order is in force. Once detained, the goods must be held pending the results of the inspection or the return of satisfactory laboratory results. On passing inspection and/or analysis the food is released to the importer. Future shipments of foods on a Holding Order are inspected at the 100 percent rate until demonstrated compliance is achieved (usually after five consecutive shipments have passed inspection).

### Trade Samples

The amounts of food that may be imported as trade samples for the purposes of scientific or commercial evaluation are:

- For foods in liquid form, up to 20 liters
- For foods not in liquid form, up to 20 kilograms
- For concentrated liquid foods (however packed), that are used in the preparation of other foods or are not usually consumed unless as part of a prepared food, not more than 2 liters
- For moisture reduced foods (however packed), other than liquid foods, that are used in the preparation of other foods or are not usually consumed unless as part of a prepared food, not more than 2 kilograms net weight
- For spices (however packed) that are used in the preparation of other foods or are not usually consumed unless as part of a prepared food, not more than 1 kilogram

**Food imported as trade samples must not be consumed by any person.**

### Quarantine

When any food is imported into Australia it must first comply with the quarantine requirements.

Through quarantine measures, Australia aims to minimize the chances of exotic pests and diseases entering Australia by strictly controlling the entry of animals and goods, including biological and genetic material. Food is an area of particular concern. Fresh and partially processed foods brought into Australia are seen to have the potential to introduce exotic pests and diseases.

Control in Australia is achieved by the total prohibition of some foods, or foods from certain countries. Additionally, Australia has strictly controlled import conditions that require various treatments (e.g. fumigation), time/temperature controls, etc. which must be supported by import permits and attestations on export certificates from authorities in the country of origin.

Australia requires attestations from authorities in the country of origin particularly with regard to:

- chicken meat
- pork
- beef
- egg and egg products
- fruits and vegetables
- dairy products
- salmon (fresh), and
- oysters

All of these products are either not permitted, or are permitted under strict supervision. Generally, if a food is processed to an extent that would eliminate the hazard which is of quarantine concern to Australia, there is no restriction.

U.S. exporters need to determine exactly what restrictions exist on the foods they wish to export to Australia. In some cases a prohibition exists simply because no-one has requested an import risk analysis from which appropriate control measures can be determined.

The Australian government has a formal mechanism in place for evaluating the degree of risk associated with the importation of certain products or produce from foreign countries. The evaluation procedure involves other governments, industry groups, academia and consumers. The evaluation is often a protracted exercise and can take some years to complete, particularly for foods which are unprocessed or only partially processed as these represent the greatest danger of carrying pests and diseases into Australia

AQIS maintains a searchable import conditions database for agricultural products entering Australia at the following site. [http://www.aqis.gov.au/icon/asp/ex\\_querycontent.asp](http://www.aqis.gov.au/icon/asp/ex_querycontent.asp).

## SECTION II: LABELING REQUIREMENTS

The Australia New Zealand Food Authority (ANZFA) has responsibility for the administration of the joint Australia New Zealand Food Standards Code, which is subject to frequent amendment. The labeling requirements stated below are subject to change and so the joint Code should be consulted for definitive information on current food labeling requirements. For more information about the joint Code, contact [ANZFA](#). ANZFA has developed '[Users Guides](#)' for various parts of the joint Code to assist with interpretation and provide examples. Where a users guide is available, a link has been provided. The guides, unlike the standard itself, are not legally binding. However, if in any doubt about interpreting the standards, you should seek independent legal advice. Please note that these guides are in .pdf format so you will need Adobe Acrobat Reader to be able to read them.

As mentioned in the Introduction, ANZFA recently reviewed and rewrote the Australian and New Zealand food laws to bring them into line in a Joint Australia New Zealand Food Standards Code. The joint Code was adopted on 24 November 2000. A phase in period of two years will end in December 2002. Until that time, the current food regulations in Australia and New Zealand will operate in parallel with the joint Code, so that foods may comply with either the old or the new regulations (but not a combination of these). After the phase-in period the old regulations will be repealed leaving the joint Code to stand-alone and all foods must then comply with the provisions of the joint Australia New Zealand Food Standards Code.

Chapter 1 of the joint Code covers the general standards which apply to all foods.

Chapter 2 contains standards for a number of specific commodity groups. These are:

- Part 2.1 - Cereals
- Part 2.2 - Meat, eggs & fish
- Part 2.3 - Fruit & vegetables
- Part 2.4 - Edible oils
- Part 2.5 - Dairy products
- Part 2.6 - Non-alcoholic beverages
- Part 2.7 - Alcoholic beverages
- Part 2.8 - Sugars & honey
- Part 2.9 - Special purpose foods
- Part 2.10 - Standards for other foods (vinegars & salt)

Chapter 3 relates to food safety standards which apply to Australia only.



## General Labeling Standard

There is [Users Guide](#) available which gives an overview for Labeling of Food for Retail Sale & for Catering Purposes.

Part 1.2 of the joint Code sets out the application of general labeling and other information requirements, and labeling and information requirements specific to certain foods in Chapter 2 of the joint Code. This Part sets out the labeling requirements for food for sale and information that must be provided in conjunction with the sale of certain foods, where labeling is not required. Food Product Standards in Chapter 2 may impose additional labeling and information requirements for specific classes of food.

Unless specifically exempted, the label on a package of food for retail sale or for catering purposes must include the following core information:

- a prescribed name or where no name is prescribed, a name or a description of the food sufficient to indicate the true nature of the food; and
- lot identification; and
- the name and business address of the supplier; and
- the mandatory warning and advisory statements and declarations, specified in Standard 1.2.3 and
- any other warning and advisory statements specified elsewhere in the joint Code; and
- an ingredient listing; and
- date marking; and
- nutrition labeling; and
- a declaration of key or characterizing ingredients and components.

Where for reasons of public health and safety, consumers should be informed of specific use or storage instructions, the label on a package of food for retail sale must include directions for use and storage.

### The Name of the Food

The label on a package of food must include -

- the prescribed name of the food, where the name of a food is declared in this Code to be a prescribed name; and
- in any other case, a name or a description of the food sufficient to indicate the true nature of the food.

The name or description of the food should be sufficiently specific to differentiate the food from other foods and reflect its true nature.

There is no specific requirement for where this information should appear on a label.

In accordance with food law and fair trading law, suppliers must not represent foods in a false, misleading or deceptive manner.

### Lot Identification

The label on a package of food must include its lot identification, unless the food is -

- an individual portion of ice cream or ice confection; or
- in small packages, and the bulk packages and the bulk container in which the food is stored or displayed for sale includes lot identification.

Lot marking is required on packaged food to assist in the rare event of a food recall. A lot mark identifies the 'lot' a food comes from as well as the premises from where the food was packed or prepared.

A date mark and address details can help satisfy the requirements of a lot mark.

### Name and Address

The label on a package of food must include the name and business address in Australia, of the supplier of the food. The term 'supplier' includes the packer, manufacturer, the vendor or importer of the food. Business address means a description of the location of the premises from which the business in question is being operated, but does not include a postal address.

### Mandatory Warning & Advisory Statements (Standard 1.2.3)

There is a [Users Guide](#) available for this Standard.

The joint Code requires information to be provided about certain substances in foods, or certain foods, that may adversely affect susceptible people.

There are three types of warning and advisory statements:

- A Mandatory Declarations - due to their potential to cause adverse reactions, certain food ingredients or components; food additives; or processing aids must be declared.
- B Advisory Statements - required on those foods where there is a potential risk to health which is not life threatening;
- C Warning Statements - prescribed statements which are required on foods where the risk to health is life threatening, and;

In most cases, manufacturers and retailers may choose the wording of these statements and their placement on the label. However in cases where there may be a life threatening adverse reaction to a certain food or substance, warning statements are required. The exact wording for warning statements is set out in the joint Code and there are other requirements such as minimum size of type associated with these warning statements.

## A. Mandatory Declarations

Certain substances that must be declared in the label of a food whenever they are used as:

- an ingredient in a food;
- part of a compound ingredient;
- a food additive or component of a food additive; or
- a processing aid or component of a processing aid

If any of the substances listed occur naturally in the food they do not require declaration. This is because people who are likely to suffer adverse reactions to any of these substances are usually well aware of the foods in which they naturally occur (eg. bee pollen is naturally present in honey, and does not need to be declared as an ingredient on the label of honey).

Any general exemption from the ingredient listing requirements of the joint Code does not exempt these substances from declaration. If they are added during manufacture of the food, they must be declared. Manufacturers and retailers are free to choose the wording of these mandatory declarations, as well as their size and placement on the label. Listing the substances in the ingredient list would fulfil this requirement.

<b>Substances in Food That must Be Declared</b>	
•	Cereals containing gluten and their products, namely, wheat, rye, barley, oats, spelt and their hybridized strains (Note: beer and spirits are exempt from having to declare the presence of gluten)
•	Crustacea and their products;
•	Egg and egg products;
•	Fish and fish products;
•	Milk and milk products;
•	Nuts and sesame seeds and their products;
•	Peanuts and soybeans, and their products;
•	Added Sulphites in concentrations of 10mg/kg or more;
•	Royal jelly presented as a food or royal jelly present in a food;
•	Bee pollen
•	Propolis

Gluten - In addition to the mandatory declaration of the presence of the cereal containing gluten in the ingredient listing of a product, the following claims in relation to gluten are permitted: 'gluten free' 'low in gluten' and 'high in gluten' or 'contains gluten'. (Gluten claims are also covered under Nutritional Information Requirements).

Wheat Starch - Any product that contains wheat starch, or is derived from wheat starch, must carry a declaration advising the presence of wheat. Examples of such products include wheat based cornflour and glucose syrup derived from wheat starch. The declaration of wheat is required even if a 'gluten free' claim is made.

## B. Advisory Statements

Certain foods must always include an advisory statement in the label. These are listed below:

<b>Mandatory Advisory Information for Certain Foods</b>	
<b>Food</b>	<b>Advisory Statement</b>
Unpasteurized milk and liquid milk products	Statement to the effect that the product has not been pasteurized
Food containing aspartame	Statement to the effect that the product contains phenylalanine
Unpasteurized egg products	Statement to the effect that the product is unpasteurized
Food containing quinine	Statement to the effect that the product contains quinine
Kola beverages containing added caffeine	Statement to the effect that the product contains caffeine
Food containing guarana or extracts of guarana	Statement to the effect that the product contains caffeine

Foods containing polyols or polydextrose must include an advisory statement in the label where the food contains any of the substances listed below:

<b>Mandatory Advisory Information for Foods Containing Polyols or Polydextrose</b>			
<b>Group</b>	<b>Substance</b>	<b>Level</b>	<b>Advisory Statement</b>
A	Lactitol, maltitol, maltitol syrup, xylitol, mannitol	10g/100g	Statement to the effect that excess consumption of the food containing these substances may have a laxative effect.
B	Sorbitol, erythritol, isomalt, polydextrose	25g/100g	
	Combination of Groups A and B	10g/100g	

### C. Warning Statements

A warning statement is a declaration that manufacturers must include on labels to alert a specific target group of a potential life threatening health risk. Specific wording of warning statements is set out in the joint Code and the exact words must be used in these declarations.

Warning statements must be a minimum print size of 3 mm and in the case of small packages, a minimum print size of 1.5 mm.

There are no foods currently listed in Standard 1.2.3 that require warning statements. ANZFA is currently considering mandatory warning statements in relation to royal jelly. Until this issue is resolved, the same requirements apply that existed in Australia and New Zealand before the joint Code came into force - i.e.

The label on or attached to a package containing royal jelly, or a food containing royal jelly, must include, immediately following the name of the food (whether prescribed name, appropriate designation or trade name) and in type of 3 mm, the statement -

**'THIS PRODUCT CONTAINS ROYAL JELLY WHICH HAS BEEN REPORTED TO CAUSE SEVERE ALLERGIC REACTIONS AND IN RARE CASES, FATALITIES, ESPECIALLY IN ASTHMA AND ALLERGY SUFFERERS'.**

### Advisory/Warning Statements on food exempt from bearing a label

Some foods are exempt from having to bear a label, and so are not required to comply with general labeling requirements. However, where the foods described in sections A, B & C above are sold unpackaged, the information must still be provided to the purchaser.

In cases where warning statements are required (see section C above) the warning must always be provided:

- in writing, and
- in the exact words set out in the joint Code, and
- displayed on or in connection with the display of the food.

Advisory information about certain substances in foods or certain foods, as set out in sections A and B above, may be provided to the purchaser either:

- by a sign displayed on or in connection with the display of the food; or
- verbally or in writing upon the request of the purchaser.

Specific guidance on the other information requirements for foods exempt from bearing a label can be found in ANZFA's guideline: [Information Requirements for Food Exempt from Bearing a Label](#).

Warning/Advisory statements on individual portion packs enclosed in a fully labeled outer package

Individual portion packs sold within fully labeled outer packages are exempt from the general labeling requirements because they are not intended for separate retail sale. Thus they may comply with the warning and advisory information requirements as described in section 2 above,

- except that they are not exempt from declaration of the substances listed in Table 1.1 above, and
- these declarations must be written on the label of the individual portion pack as well as on the outer package.

For example, The labels on individual muesli bars, sold in a fully labeled outer box, will need to declare the presence of nuts on the label, even though the individual bars are not intended for retail sale.

Warning/Advisory statements other than those required by Standard 1.2.3

In addition to the statements and declarations specified in Standard 1.2.3, Mandatory Warning and Advisory Statements and Declarations, there are other warning statements, prescribed statements and advisory statements set out in the Code. Warning Statements are also required on:

- Condensed milk, modified milk, and skim milk (Standard 1.1.3)
- Kava (Standard 2.6.3)
- Infant formula (Standard 2.9.1)
- Infant food (Standard 2.9.2)
- Supplementary Sports Food (Standard 2.9.4)

### Ingredient Listing (Standard 1.2.4)

There is a [Users Guide](#) available for this standard.

Unless specifically exempted, packaged foods are required to list all the ingredients and compound ingredients used in the manufacture of that food. An ingredient means any substance, including food additives, used in the preparation of food. A compound ingredient means an ingredient of a food, which is itself made up of two or more ingredients e.g. spaghetti, which is made up of flour, egg and water. The names of ingredients should be sufficiently detailed to describe the ingredient. Ingredients and compound ingredients are declared in a statement of ingredients in descending order of ingoing weight using:

- the common name of the ingredient; or,
- a name that describes the true nature of the ingredient, or
- where applicable, a generic name for the ingredient, or
- where applicable, the genetic modification (GM) status of the ingredient.

All ingredients must be declared except for the following:

- an ingredient of a flavoring; or,
- a volatile ingredient that is completely evaporated during manufacture; or,
- added water in certain cases; or,
- permitted processing aids.

Exemptions from ingredient labeling include:

- where the food is labeled with the name of the food, and the ingredient list would be the same as the name of the food, e.g. 100% orange juice; or
- where the food is an alcoholic beverage standardized in Part 2.7 of the joint Code, e.g. beer; or
- where the food is contained in a small package, e.g. a small package of chewing gum; or
- the food is liquid milk or cream, or a liquid milk product or cream product, sold in glass bottles with no label other than that on the foil cap.

### Date Marking (Standard 1.2.5)

There is a [Users Guide](#) available for this standard.

The Joint Code aligns Australia and New Zealand with international food standards, where the 'best before date' is the primary date marking term used. The 'best before date' is internationally preferred as it better encapsulates the intention of date marking, which is to provide a guide to consumers on the shelf life of a food in terms of food quality rather than food safety. A food that has past its 'best before date' may still be perfectly satisfactory to consume, but some of its quality attributes may have diminished.

Standard 1.2.5. requires food to be date marked with the 'best before date' unless the food needs to be eaten within a certain period for health or safety reasons. In this circumstance the 'use by date' must be used instead of a 'best before date'. Previously, the 'use by' and 'best before' date marking terms could be used interchangeably on food labels. This change has been made to make it easier for consumers to understand date marking. It will enable them to distinguish between products that need to be consumed by a certain time for health or safety reasons and those that do not. It will be the manufacturer's responsibility to determine which date marking term should be used on food it manufactures. The Users Guide has been written to assist manufacturers with this process.

Foods that are date marked with a 'use by' date will be prohibited from being sold after this date has past. This is because the food may pose a health or safety risk if consumed after this date.

Foods that are date marked with a 'best before' date can be sold after the date has past, provided the food is not damaged, deteriorated or perished.

#### Nutrition Labeling (Standard 1.2.8)

*There is a [Users Guide](#) available for this standard.*

Subject to specific exemptions, food required to bear a label **must** display a nutrition information panel setting out the energy, protein, fat, saturated fat, carbohydrate, sugars and sodium content of the food. A nutrition information panel must be set out in the prescribed format and must include the number of servings in the package and the average quantity of the food in a serving.

This Standard does not apply to infant formula products except where Standard 2.9.1 (Infant Formula Products) otherwise provides. Standard 2.9.1 sets out specific nutrition labeling requirements that apply to infant formula products. Standard 1.3.2 (Vitamins and Minerals) sets out the labeling requirements for claims made about the vitamin and mineral content of foods.

Unless otherwise prescribed in the joint Code, the nutrition information panel must be in the following format:



<b>NUTRITION INFORMATION</b>		
Servings per package: (insert number of servings)		
Serving size: g (or mL or other units as appropriate)		
	Quantity per Serving	Quantity per 100g (or 100mL)
Energy	kJ (Cal)	kJ (Cal)
Protein	g	g
Fat, total	g	g
- saturated	g	g
Carbohydrate, total	g	g
- sugars	g	g
Sodium	mg (mmol)	mg (mmol)
(insert any other nutrient or biologically active substance to be declared)	g, mg, : g (or other units as appropriate)	g, mg, : g (or other units as appropriate)

A nutrition information panel must clearly indicate that:

- the average quantities set out in the panel are average quantities; and
- any minimum and maximum quantities set out in the panel are minimum and maximum quantities.

Additional requirements may apply if a nutrition claim is made. See Section VII below for information about making nutritional claims.

### Exemptions

The label on a package of food must include a nutrition information panel except where the food is:

- sold at fund-raising events; or
- an alcoholic beverage standardized in Part 2.7 of this Code; or
- a herb, a spice, a herbal infusion, water; or
- vinegar and related products as standardized in Standard 2.10.1; or
- salt and salt products as standardized in Standard 2.10.2; or
- tea, decaffeinated tea, decaffeinated instant or soluble tea, instant or soluble tea, coffee, decaffeinated coffee, decaffeinated instant or soluble coffee, as defined in Standard 1.1.2; or
- an additive as defined in Standard 1.3.1; or
- a processing aid as defined in Standard 1.3.3; or
- fruit, vegetables, meat, poultry, and fish that comprise a single ingredient or category of ingredients; or
- in a small package.

Declaration of key or characterizing ingredients and components (Standard 1.2.10)

There is a [Users Guide](#) available for this standard.

The purpose Standard 1.2.10 is to provide consumers with information on the percentage of the characterizing ingredients or components of foods to assist them in making informed choices when purchasing food. The concept of percentage labeling is not new, as there are a number of examples where it is required in individual standards in the current Australian Food Standards Code. Furthermore, in a number of the Australian State and Territory Food Acts, it is already mandatory to declare the proportion of emphasized ingredients in the food for sale. What is new is that in the joint Code it has become a mandatory generic standard. This means that the range of foods to which the labeling requirements apply has been greatly increased.

Foods which have a characterizing ingredient/s and/or component/s must declare the presence of that ingredient or component, as a percentage of the final food. The percentage declaration is calculated on the basis of the ingoing weight of the characterizing ingredient or component. The percentage declaration may be an actual amount or a minimum amount, provided that a minimum declaration is clearly labeled. Placement of the declaration on the label is not prescribed. Where it is included in the ingredient list, it must appear immediately after the name of ingredient in the list.

Directions for Use and Storage

Directions for use and storage are only mandatory where, for reasons of public health and safety, consumers should be informed about specific use or storage requirements.

This standard operates in addition to the date marking requirements in Standard 1.2.5. The commodity standards in Chapter 2 of the joint Code may prescribe additional specific requirements for directions for use and/or storage.

Country of Origin

During the transition period, country of origin labeling requirements from the current Australian Food Standards Code have been included in Standard 1.1.3, Transitional and Temporary Standard.

The label must include the country in which the food was made or produced. If the address of the overseas manufacturer includes the name of the country then no additional country of origin labeling is required.

### Weights and Measures Requirements

Package weight is not governed by the FSC. Each State and Territory has its own legislation dealing with the declared weight labeling requirements of packaged food.

All packaged food must show the net weight of the food within the package. Shippers or outer cartons must show the net weight of individual packages as well as a count of packages within the shipper or outer carton.

### **Labeling of Genetically Modified foods**

See ANZFA's guideline: [Labeling Requirements for Genetically Modified Foods](#).

The Australia New Zealand Food Authority announced that mandatory labeling of genetically modified foods, where introduced DNA or protein is present in the final food, will come into force on 7 December 2001.

At a meeting on 28 July 2000, health ministers from Australia and New Zealand and Australian States and Territories agreed to label all genetically modified foods and now all jurisdictions have agreed to the final standard.

Under the amended Standard, food or ingredients labeled "genetically modified" either contains new genetic material or protein as a result of the genetic modification or has altered characteristics - e.g. changed nutritional values - compared to the conventional food.

Some flavorings may also be derived from genetically modified organisms, but these are only labeled if they are in a concentration of more than 1 gram per kilogram (0.1%). Food additives and processing aids are not labeled unless the introduced genetic material is present in the final food.

Claims about the absence of foods produced using gene technology - for example, "GM-free", must be consistent with the provisions of the overarching consumer protection laws in the Trade Practices Act in Australia and the Fair Trading Act in New Zealand as well as food legislation in both countries.

Under the new labeling standard, unpackaged GM food - for example, fruit and vegetables - must carry a statement which identifies that the food is genetically modified. This statement may appear on the food itself or in connection with the food.

Food prepared for immediate consumption - for example, in restaurants and take-aways - do not need to have ingredients identified because consumers can ask the serving staff for any necessary information about the food, including its GM status.

The label on a package of genetically modified food must include the statement ‘genetically modified’ in conjunction with the name of that food or ingredient or processing aid. This statement may be contained in the statement of ingredients where the genetically modified food is an ingredient or processing aid.

### **SECTION III: PACKAGING AND CONTAINER REQUIREMENTS**

There are no packaging or container size regulations for food products in Australia. Manufacturers may pack food in any size container.

The joint Code does not regulate the manufacture of packaging materials. Consequently, the joint Code does not specify which materials may be added to or used to produce food packaging materials or any articles and materials in contact with food. It is the responsibility of food manufacturers and retailers to ensure that the products used in association with food are safe and that the food complies with the general requirements in the Australian and New Zealand Food Acts and with the specific requirements in the joint Code which relate to contaminants ([Standard 1.4.3](#), Articles and Materials in Contact with Food).

## SECTION IV: FOOD ADDITIVE REGULATIONS

There is a [Users Guide](#) available for this standard.

Unless expressly permitted in the Standard (1.3.1), food additives must not be added to food.

The use of food additives must be linked to a technological function. A food additive may be capable of performing more than one technological function in a food. In these circumstances, the manufacturer must classify the food additive on the label under the most appropriate class name. Generally, the primary function that the food additive is performing would be regarded as the most appropriate function for the purposes of labeling of food additives.

Food additives should always be used in accordance with GMP. Manufacturers are responsible for justifying the use of additives, and the level of additive used. The Codex Alimentarius Commissions Procedural Manual sets out the following relevant criteria for use in assessing compliance with GMP:

- the quantity of additive added to food shall be limited to the lowest possible level necessary to accomplish its desired effect;
- the quantity of the additive that becomes a component of food as a result of its use in the manufacture, processing or packaging of a food and which is not intended to accomplish any physical, or other technical effect in the food itself, is reduced to the extent reasonably possible; and
- the additive is prepared and handled in the same way as a food ingredient.

Specifications for food additives are listed in the schedules of Standard 1.3.1. [Schedule 1](#) contains information on the permitted uses of food additives by food type; [Schedule 2](#) contains miscellaneous additives permitted to Good Manufacturing Practice (GMP) in processed foods specified in Schedule 1; [Schedule 3](#) contains colors permitted to GMP in processed foods specified in Schedule 1; [Schedule 4](#) contains colors permitted to specified levels in processed foods specified in Schedule 1; and, [Schedule 5](#) contains technological functions which may be performed by food additives.

For the purposes of ingredient labeling, food additives are treated the same as other ingredients in a food. [Schedule 1 of Standard 1.2.4](#), lists about twenty class names for additives based on their technical function. [Schedule 2 of Standard 1.2.4](#) lists all permitted additives by their prescribed name and Code number.

An additive must be declared in the ingredient list in its correct place by using its appropriate class name (from Schedule 1), followed by the additive's specific name or code number (from Schedule 2). One exception to this rule is that enzymes need only be declared by the class name 'enzyme' and not by specifically declaring the name of the enzyme.

Where a food additive is capable of being classified in more than one class, the class name used must be the class name that best reflects the function of the additive in the food. A food additive that cannot be classified in one of the classes specified in Schedule 1 must be declared by using its prescribed name (from Schedule 2).

Special note should be taken for additives that are genetically modified. For more information on the declaration of genetically modified ingredients see ANZFA's guideline: [Labeling Requirements for Genetically Modified Foods](#).

## SECTION V: PESTICIDE AND OTHER CONTAMINANTS

Standard 1.4.2. lists the maximum permissible limits for agricultural and veterinary chemical residues present in food. [Schedule 1](#) lists all of the agricultural and veterinary chemical limits in particular foods. If a maximum residue limit for an agricultural or veterinary chemical in a food is not listed in Schedule 1 there must be no detectable residues of that agricultural or veterinary chemical in that food. [Schedule 2](#) lists all extraneous agricultural chemical limits in particular foods. If an extraneous residue limit for an agricultural chemical in a food is not listed in Schedule 2 there must be no detectable residues of that agricultural chemical in that food. [Schedule 3](#) groups certain agricultural or veterinary chemicals according to their chemical groups. Commodity and commodity groups which are referred to in this Standard are listed in [Schedule 4](#). Schedule 4 also specifies the part of the commodity to which the maximum or extraneous residue limit refers.

Maximum residue limits are constantly being reviewed and updated. Often these limits will not be the same as Codex.



## SECTION VI: OTHER REGULATIONS AND REQUIREMENTS

### Advertising

Labeling rules apply also to advertising of the product. Anything required or prohibited on a label must either appear or not appear in any printed, oral or televised advertisement for that product.

It is an offence to label or to advertise food in a manner which is false or misleading in any particular, or deceptive. This is spelled out in the State and Territory Food Acts and Trade Practices Act of the Federal Government.

### Foods Requiring Pre-Market Clearance

#### Novel Foods ([Standard 1.5.1](#))

This Standard regulates the sale of novel food and novel food ingredients. This Standard prohibits the sale of these foods unless they are listed in the Table to Clause 2 of the Standard (currently no foods are approved), and comply with any special conditions of use in that Table. The specific permission may impose conditions relating to matters such as the need for preparation or cooking instructions, warning statements or other advice, or the need to meet specific requirements of composition or purity.

The purpose of this Standard is to ensure that non-traditional foods which have features or characteristics which raise safety concerns will undergo a risk-based safety assessment before they are offered for retail for direct consumption in Australia and/or New Zealand. ANZFA will assess the safety for human consumption of each novel food prior to its inclusion in the Table. The safety assessment will be performed in accordance with the Authority's safety assessment guidelines.

Information regarding applying for approval for a novel food is available at:

<http://www.anzfa.gov.au/foodstandards/novelfoodsappguide.cfm>

#### GM Foods ([Standard 1.5.2](#))

Division 1 of this Standard addresses health and safety requirements, regulating the sale of food produced using gene technology, other than additives and processing aids.

ANZFA will assess the safety for human consumption of each food produced using gene technology or such class of food prior to its inclusion in the Table. The safety assessment will be performed according to the Authority's approved safety assessment criteria. Additives and processing aids which are produced using gene technology are not regulated in Division 1 of this Standard. Other Standards in the Code regulate additives and processing aids (see Section IV of this report) and require pre-market approval for these substances.

Division 2 of this Standard specifies labeling and other information requirements for foods, including food additives and processing aids, produced using gene technology.

A food produced using gene technology, other than a substance regulated as a food additive or processing aid, must not be sold or used as an ingredient or component of any food unless it is listed in Column 1 of the Table to this clause and complies with the conditions, if any, specified in Column 2. At the time this report was put together, only the following foods had been approved.

<b>Food produced using gene technology</b>	<b>Special conditions</b>
Oil derived from glyphosate-tolerant canola line GT73	The label on or attached to a package of a food derived from high oleic acid soy bean lines G94-1, G94-19 and G168 must include a statement to the effect that the food has been genetically modified to contain high levels of oleic acid
Food derived from glyphosate-tolerant corn line GA21	
Food derived from insect-protected corn line MON810	
Oil and linters derived from glyphosate-tolerant cotton line 1445	
Oil and linters derived from insect-protected cotton lines 531, 757 and 1076	
Oil and linters derived from insect-protected cotton lines 531, 757 and 1076	
Food derived from high oleic acid soybean lines G94-1, G94-19 and G168	

The prohibition listed above does not apply to a food produced using gene technology where -

- that food is the subject of an application under section 12 of the Act to vary the Table to that clause;
- the application has been accepted in accordance with section 13 of the Act by the Authority on or before 30 April 1999;
- the Authority has evidence that that food, in one or more countries, other than Australia or New Zealand, is lawfully permitted to be sold or used as an ingredient or component, by a national food regulatory agency; and
- the Council has not become aware of evidence that that food poses a significant risk to public health and safety.

See Section II above for information on labeling requirements for GM Foods.

The [Users Guide for Genetically Modified Foods \(Standard 1.5.2\)](#) as published by the Australia New Zealand Food Authority should be read in conjunction with this Standard.

### Food Irradiation (Standard 1.5.3)

This Standard prohibits the irradiation of food, or ingredients or components of food, unless a specific permission is given. The specific permission may impose conditions relating to matters such as dose, packaging materials, approved premises or facilities. Currently, no foods are permitted to be irradiated, although ANZFA is currently reviewing a proposal.

Even where this Standard permits irradiation, food should only be processed by irradiation where such processing fulfils a technological need or is necessary for a purpose associated with food safety. Food should not be processed by irradiation as a substituted procedure for good manufacturing practices.

The absorbed radiation dose applied for the purpose of irradiating food should be the minimum that is reasonably commensurate with the technological and public health purposes to be achieved. It should also be in accordance with good radiation processing practice.

Food to be processed by irradiation, and the packages and packing materials used or intended for use in connection with food so processed, should be of suitable quality and in an acceptable hygienic condition appropriate for the purpose of such processing. They should also be handled before and after irradiation according to good manufacturing practices, taking into account, in each case, the particular requirements of the technology of the process.

The operation of irradiation facilities and control of the irradiation process should be undertaken in accordance with any relevant State, and Territory, and New Zealand law governing radiation control. They should also be undertaken in accordance with an appropriate Code of Practice such as the 1983 Codex Alimentarius General Standard for Irradiated Foods and its associated Code of Practice for the Operation of Irradiation Facilities Used for the Treatment of Foods.

This Standard also sets out permitted sources of radiation, requires the keeping of certain records in relation to the irradiation of food, and requires the labeling of food which has been irradiated.

### **Approval of Genetically Modified Foods**

Information for people wishing to apply to the Australia New Zealand Food Authority to introduce a new food produced using gene technology as provided for in the Australian Food Standards Code is available at the following web site:

<http://www.anzfa.gov.au/foodstandards/gmappguide.cfm>

Any genetically modified food must be assessed as safe by ANZFA before it is allowed on the market. If it is a viable crop, it must also first be approved by the Office of the Gene Technology Regulator in Australia.

Office of the Gene Technology Regulator (MDP 54)

PO Box 100

Woden ACT 2606

Australia

Fax: (+61-2) 6271-4202

Email: [ogtr@health.gov.au](mailto:ogtr@health.gov.au)

Web Site: <http://www.health.gov.au/ogtr/index.htm>

### **Government to Government Certification Arrangements**

Imported foods legislation permits AQIS to enter into arrangements with Government authorities in overseas countries. Before recognizing any certification issued by overseas country authorities AQIS must be satisfied that there is a system in place that is monitored by the authorities and that it ensures that foods will comply with Australian requirements.

Foods accompanied by certificates from approved agencies are quickly cleared by IFP, assuming quarantine requirements are met. Minimum fees apply to foods cleared under certification. Random audit inspections and analyses are conducted on certified shipments and, at present, these are carried out at the expense of AQIS.

If something is later found to be wrong with a food certified by an AQIS approved overseas authority, AQIS resolves the problem with the certifying agency without taking action against the importer or the supplier. The approved foreign country authority is required to resolve the problem and if problems continue AQIS may suspend the arrangement.

### **Quality Assurance (QA) Systems**

The Imported Food Control Act 1992 allows for AQIS to enter into arrangements with overseas manufacturers in the form of Quality Assurance programs based on the principles of HACCP or ISO9000 systems that will ensure foods are prepared to equivalent standards. AQIS must assess applications and supporting information from relevant authorities in overseas countries before agreeing to a system of certification for overseas food suppliers who are operating under quality assurance systems.

For further details on AQIS QA services, see ["Quality Assurance \(QA\) Arrangements – Guidelines for the Imported Foods Program"](#).

## SECTION VII: OTHER SPECIFIC STANDARDS

### Specific Commodity Standards

Chapter 2 of the joint Code contains standards for a number of specific commodity groups. These are:

- [Part 2.1](#) - Cereals
- [Part 2.2](#) - Meat, eggs & fish
- [Part 2.3](#) - Fruit & vegetables
- [Part 2.4](#) - Edible oils
- [Part 2.5](#) - Dairy products
- [Part 2.6](#) - Non-alcoholic beverages
- [Part 2.7](#) - Alcoholic beverages
- [Part 2.8](#) - Sugars & honey
- [Part 2.9](#) - Special purpose foods
- [Part 2.10](#) - Standards for other foods (vinegars & salt)

### Nutrition Claims

Where a nutrition claim is made, the Nutrition Information Panel must include seven mandatory nutrients:

- energy
- protein
- fat
- saturated fat
- carbohydrate
- sugars, and
- sodium

as well as the claimed nutrient or biologically active substance, and any other nutrients that may be triggered.

Information regarding the type of nutrition claims that can and cannot be made as well as examples of Nutritional Information Panels for each type of claim are contained in the [Users' Guide to Standard 1.2.8](#).

### Permitted Health Claims

Unless specifically permitted in Standard 1.1.3, Transitional and Temporary Standard, health claims in food labels and advertisements are **prohibited** in both Australia and New Zealand. Standard 1.1.3 implements a pilot trial for the management of health claims in relation to folate only. The provisions in Standard 1.1.3 as they relate to folate health claims cease to have effect on 13 August 2002. The outcomes of the pilot will be used to evaluate the wider use of health claims in food labels and advertisements.

**Words and Expressions**

The use of certain words and expressions are restricted. Words such as polyunsaturated, 'pure', 'natural', 'organic', 'low alcohol', 'non alcoholic', 'health' and 'vitamin enriched' etc are restricted and guidance should be sought from the relevant product standard.

**Pictures and Designs**

Generally, pictures and designs of food may be included in labels to illustrate recipes using the food or to suggest ways of serving it. Such illustrations must be accompanied by the words 'Recipe' or 'Serving suggestion' written in the standard type. The illustrations must not mislead or deceive consumers.

Pictures or designs may be prohibited on certain foods and manufacturers and importers should familiarize themselves with the restrictions in the FSC.

## SECTION VIII: COPYRIGHT/TRADEMARK LAWS

Patents, trademarks and copyright are protected by Australian law. Australia is a member of the World Intellectual Property Organization, the Paris Convention for the Protection of Industrial Property, the Berne Convention for the Protection of Literary and Artistic Works, the Universal Copyright Convention, the Patent Cooperation Treaty, the Trans-Tasman Mutual Recognition Agreement for the Patent Attorney Profession, the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure, the Strasbourg Agreement Concerning the International Patent Classification, Nice Agreement for the International Classification of Goods and Services for the Purposes of the Registration of Marks, and the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights.

IP Australia is the Federal Government agency responsible for registrations of patents, trademarks and designs. IP Australia incorporates the Patent, Trade Mark and Designs Offices which administer the Patents Act 1990, the Trade Marks Act 1995, the Designs Act 1906 and associated regulations as well as the Olympic Insignia Protection Act 1987 and the Scout Association Act 1924. More information and [links to the legislation](#) are available on the IP Australia web site. Contact details for IP Australia are:

IP Australia  
P.O. Box 200  
Woden, ACT 2606  
Australia  
Tel: (+61-2) 6283-2211  
Fax: (+61-2) 6282-5810  
Web Site: <http://www.ipaustralia.gov.au>

**Patents:** Patents are available for inventions in all fields of technology and are the principle system for protecting ownership of any device, substance, method of process which is new or inventive. They are protected under the Patents Act, 1990, which offers coverage for 20 years, subject to renewal. Biotechnological methods of breeding and biotechnologically produced plants and animal products are protectable under the Patents Act (s.18).

**Trade Marks:** Trade marks may be protected for ten years and renewed indefinitely upon request by registration under the Trade Marks Act, 1995. It is wise for any U.S. exporter intending to market a product in Australia to check with the trade marks office at IP Australia to ensure that its mark or name is not already in use.

**Designs:** A new or original design may be registered for up to sixteen years. Registration gives the owner the exclusive rights to make, use and sell articles incorporating the registered design.

Copyright: Copyrights are protected under the [Copyright Act, 1968](#). The Attorney-General's Department administers the legislation for automatic rights to copyright and circuit layout rights.

Attorney-General's Department  
Robert Garran Offices  
National Circuit  
BARTON ACT 2600  
Web Site: <http://www.law.gov.au>



## **SECTION IX: IMPORT PROCEDURE**

There is no pre-market approval of either the composition or labeling of any food in Australia. Imported food must comply with all aspects of the Food Standards Code at the point of entry into Australia and New Zealand. The Quarantine and Inspection services perform random inspections on any food imported. High risk foods can be targeted for inspection at a higher frequency.

All goods imported into Australia must be cleared by Customs, whether they be imported by air, sea or post. While imports of low value will generally be released by Customs for delivery direct to consignees, importers are responsible for obtaining a formal Customs clearance for consignments of goods above set value limits (currently A\$250 for goods imported by sea or air cargo and A\$1,000 for goods imported through the postal system).

Cost recovery charges apply for the processing of entries. The cost will depend on whether the entry is an electronic entry or a documentary (manual) entry.

The minimum documentation required to be submitted with customs import entries or Informal Clearance Documents includes an air way bill or bill of lading, invoices, and any other papers (including packing lists, insurance documents, import permits, etc.) relating to the shipment.

Importers are required to ensure that goods entering the commerce of Australia are correctly marked. Customs administers truth in labeling provisions which makes it an offence to knowingly apply, or for imported goods to carry, false trade descriptions.

Customs import entry procedures are based on self assessment by importers who should be aware of all their obligations: penalties may be imposed for the submission of incorrect or misleading information or for the omission of information to mislead. Therefore, while it is not a requirement, it is recommended that importers use the services of a customs broker to complete customs import entries and related clearance formalities. Brokers specialize in the clearance of imported goods and are licensed by the Australian Customs Service.

More information on importing goods into Australia is available from the Australian Customs Service on their Internet Site - <http://www.customs.gov.au/bizlink/imports/index.htm>

The use of local agent representation is recommended.

## **APPENDIX I: GOVERNMENT REGULATORY AGENCY CONTACTS**

Local government authorities who have responsibility for administering and evaluating imported products:

Imported Food Inspection Program  
Australian Quarantine & Inspection Service  
GPO Box 858  
Canberra, ACT 2601  
Australia  
Tel: (+61-2) 6272-3097  
Fax: (+61-2) 6272-3682  
E-mail: [foodimport@aqis.gov.au](mailto:foodimport@aqis.gov.au)

Australia New Zealand Food Authority  
P.O. Box 7186  
Canberra Mail Centre, ACT 2610  
Australia  
Tel: +61-2-6271 2222  
Fax: +61-2-6271 2278  
E-mail: [info@anzfa.gov.au](mailto:info@anzfa.gov.au)  
Web: <http://www.anzfa.gov.au>

Australian Customs Service  
5-11 Constitution Avenue  
Canberra, ACT 2601  
Australia  
Tel: (+61-2) 6275-6666  
Fax: (+61-2) 6275-6999  
Web: <http://www.customs.gov.au/>

Office of the Gene Technology Regulator  
GPO Box 100  
Woden, ACT 2606  
Australia  
Fax: (+61-2) 6271-4202  
Email: [ogtr@health.gov.au](mailto:ogtr@health.gov.au)  
Web: <http://www.ogtr.gov.au>

IP Australia  
P.O. Box 200  
Woden, ACT 2606  
Australia  
Tel: (+61-2) 6283-2211  
Fax: (+61-2) 6282-5810  
Email: [assist@ipaaustralia.gov.au](mailto:assist@ipaaustralia.gov.au)  
Web: <http://www.ipaustralia.gov.au>

Australian Department of Health & Aged Care  
GPO Box 9848  
Canberra City, ACT 2601  
Australia  
Web: <http://www.health.gov.au>

State Departments of Health

ACT Department of Health & Community Care  
GPO Box 825  
Canberra, ACT 2601  
Australia  
Web: <http://www.health.act.gov.au/>

NSW Department of Health  
Locked Mail Bag 961  
North Sydney, NSW 2059  
Australia  
Web: <http://www.health.nsw.gov.au/>

Victorian Department of Human Services  
555 Collins Street  
Melbourne, VIC 3001  
Australia  
Web: <http://www.dhs.vic.gov.au/>

Queensland Department of Health  
GPO Box 48  
Brisbane, QLD 4001  
Australia  
Web: <http://www.health.qld.gov.au/>

South Australian Department of Human Services  
11 Hindmarsh Square  
Adelaide, SA 5000  
Australia  
Web: <http://www.dhs.sa.gov.au/>

Health Department of Western Australia  
P.O. Box 8172  
Perth Business Centre WA 6849  
Australia  
Web: <http://www.health.wa.gov.au>

Tasmanian Department of Health & Human Services  
34 Davey Street  
Hobart, TAS 7000  
Australia  
Web: <http://www.dchs.tas.gov.au/home.html>

Northern Territory Health Services  
PO Box 40596  
Casurina, NT 0811  
Australia  
Web: <http://www.nt.gov.au/nths/>

## **SBS & TBT Contacts**

Each member government is responsible for the notification procedures associated with agreement under the World Trade Organization (WTO). Examples here relate to the Sanitary, Phytosanitary (SPS) and Technical Barriers to Trade (TBT) Agreements. WTO obligations include notifying any trade significant proposals which are not substantially the same as international standards to the WTO; providing copies of the proposed regulation upon request; allowing time for comments; and also to provide upon request copies of other relevant documents on existing regulations related to food and agriculture. Information on the country's regulations, standards and certification procedures can also be obtained through the Enquiry Point(s) listed below:

SPS Contact Point  
Market Access & Biosecurity  
Agriculture, Fisheries & Forestry Australia  
GPO Box 858  
Canberra, ACT 2601  
Australia  
E-mail: [sps.contact@affa.gov.au](mailto:sps.contact@affa.gov.au)

TBT Enquiry Point  
Trade Negotiations Division  
Department of Foreign Affairs & Trade  
RG Casey Building  
John McEwen Crescent  
Barton, ACT 2601  
Australia  
E-mail: [tbt.enquiry@dfat.gov.au](mailto:tbt.enquiry@dfat.gov.au)

## APPENDIX II: OTHER IMPORTANT SPECIALIST CONTACTS

Office of the Agricultural Counselor  
U.S. Embassy  
Moonah Place  
Yarralumla, ACT 2600  
Australia

Tel: (+61-2) 6214-5854  
Fax: (+61-2) 6273-1656  
E-Mail: [AgCanberra@fas.usda.gov](mailto:AgCanberra@fas.usda.gov)

Food & Beverage Importers Association  
181 Drummond Street  
Carlton, ACT 3053  
Australia

Tel: (+61-3) 9639-3644  
Fax: (+61-3) 9639-0638  
E-mail: [ajb@sprint.net.au](mailto:ajb@sprint.net.au)

American Chamber of Commerce in Australia (NSW & Head Office)  
Suite 4, Gloucester Walk,  
88 Cumberland Street  
Sydney, NSW 2000  
Australia

Tel: (+61-2) 9241-1907  
Fax: (+61-2) 9251-5220  
E-mail: [nsw@amcham.com.au](mailto:nsw@amcham.com.au)  
Web: <http://www.amcham.com.au>

### State Offices

Victoria  
Level 26, 500 Collins Street  
Melbourne, VIC 3000  
Australia

Tel: (+61-3) 9614-7744  
Fax: (+61-3) 9614-8181  
E-mail: [vic@amcham.com.au](mailto:vic@amcham.com.au)

### Queensland

Please contact the NSW/Head Office for any Queensland inquiries.  
E-mail: [qld@amcham.com.au](mailto:qld@amcham.com.au)

Western Australia

Level 6, 231 Adelaide Terrace  
Perth, WA 6000

Australia

Tel: (+61-8) 9325-9540

Fax: (+61-8) 9221-3725

E-mail: [wa@amcham.com.au](mailto:wa@amcham.com.au)

South Australia

Level 1, 300 Flinders Street  
Adelaide, SA 5000

Australia

Tel: (+61-8) 8224-0761

Fax: (+61-8) 8224-0628

E-mail: [sa@amcham.com.au](mailto:sa@amcham.com.au)